

<div>Page 1</div> <div>IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION</div> <div>* * * * *</div> <div>MARK FLORA VERSUS C.A. NO. 4:19-CV TRANSOCEAN DRILLING (USA), INC., ET AL * * * * *</div> <div>The videoconference deposition of GEORGE E. PLATT, M.D. was taken in the above-entitled cause, pursuant to the following stipulations, before Debbie G. Chaney, Certified Court Reporter, at Lafayette, Louisiana; the Witness appeared at 705 Ferris Street, Green Cove Springs, Florida, on Thursday, September 16, 2021, beginning at 1:24 p.m.</div>	<div>Page 2</div> <div>1 APPEARANCES 2 (VIA VIDEOCONFERENCE) 3 4 FOR THE PLAINTIFF, MARK FLORA: 5 MR. DANIEL E. SHEPPARD, ATTORNEY AT LAW 6 MORROW SHEPPARD 7 3701 Kirby Drive, Suite 1000 8 Houston, Texas 77098 9 dsheppard@morrowsheppard.com 10 11 FOR THE DEFENDANTS, GULF LOGISTICS, L.L.C.: 12 MR. ALAN J. MECHE, ATTORNEY AT LAW 13 ALLEN &amp; GOOCH 14 2000 Kaliste Saloom Road, Suite 400 15 Post Office Drawer 81129 16 Lafayette, Louisiana 70598-1129 17 alanmeche@allengooch.com 18 19 FOR THE DEFENDANTS, GRAND ISLE SHIPYARD, LLC: 20 MS. ELIZABETH SANDOVAL, ATTORNEY AT LAW 21 BROWN SIMS 22 1177 West Loop South, Tenth Floor 23 Houston, Texas 77027-9007 24 esandoval@brownsims 25 26 Mr. Bob Laroussini, Videographer 27 Bob Laroussini Productions 28 (337) 233-VIDEO (8336) 29 bob@laroussini productions.com</div>
<div>Page 3</div> <div>1 INDEX 2 3 Page 4 Examination By Mr. Meche 6 5 Examination By Mr. Sheppard 37 6 Re-Examination By Mr. Meche 48 7 Examination By Ms. Sandoval 51 8 Re-Examination By Mr. Sheppard 53 9 EXHIBITS 10 Description 11 1 Curriculum Vitae 8 12 2 Medical record 12 13 3 Medication record 27 14 14 15 16 17 18 19 20 21 22 23 24 25</div>	<div>Page 4</div> <div>1 STIPULATIONS 2 3 It is stipulated and agreed by and between 4 counsel for the parties that the deposition of 5 GEORGE E. PLATT, M.D., is hereby taken by counsel 6 for the Defendants, for all purposes, as well as 7 all other purposes pursuant to notice and to the 8 provisions of the appropriate statutes of the 9 Federal Rules of Civil Procedure. 10 11 That the witness waives the right to read and sign 12 the deposition; 13 14 That all formalities of sealing, certifying 15 and filing are waived; 16 17 That all objections, except those as to the 18 form of the question and the responsiveness of 19 the answer, are reserved until such time as this 20 deposition or any part thereof may be used or 21 sought to be used in evidence; 22 23 That, Debbie G. Chaney, Certified Court 24 Reporter officiated in administering the oath to 25 the above-mentioned witness remotely.</div>

<p style="text-align: right;">Page 5</p> <p>1 VIDEOGRAPHER:  2 We are on the record. This video  3 deposition is being conducted via remote  4 audio/video conference and is being  5 recorded.  6 Today is Thursday, September 16th,  7 2021. The time is approximately 1:24  8 p.m.  9 This is the remote audio/video  10 conference of George E. Platt, MD, in the  11 matter of Mark Flora versus Transocean  12 Drilling, U.S.A., Inc.  13 This is the Zoom host, Bob  14 Laroussini. The Court Reporter is Debbie  15 Chaney appearing for Lori Heaphy and  16 Associates at Lafayette.  17 Will counsel please state your name,  18 whom your represent, and your agreement  19 to the following condition that the Court  20 Reporter shall swear in the witness  21 remotely via audio/video conference.  22 MR. SHEPPARD:  23 Daniel Sheppard for the Plaintiff,  24 agree to the stipulation.  25 MR. MECHE:</p>	<p style="text-align: right;">Page 6</p> <p>1 Alan Meche representing LOGG  2 Exploration and Gulf Logistics, and we  3 agree to the stipulation.  4 MS. SANDOVAL:  5 Elizabeth Sandoval for Grand Isle  6 Shipyard, LLC, and we agree to the  7 stipulations.  8 VIDEOGRAPHER:  9 Thank you.  10 MR. SHEPPARD:  11 I just want to put on the record,  12 the parties have agreed that objection to  13 form will count for all form objections.  14 VIDEOGRAPHER:  15 Thank you. Madam Court Reporter,  16 would you swear in the witness?  17 GEORGE E. PLATT, M.D.,  18 after being first duly sworn, was examined and  19 testified as follows:  20 THE WITNESS:  21 I do.  22 EXAMINATION  23 BY MR. MECHE:  24 Q All right. Dr. Platt, would you please state  25 your full name for the record, sir?</p>
<p style="text-align: right;">Page 7</p> <p>1 A George Edward Platt.  2 Q And how are you employed, sir?  3 A I'm self-employed at the particular business  4 that involves doing the pre-employment exams  5 and Coast Guard exams. Well, it's actually a  6 private corporation. Actually, I own -- I'm  7 half owner in a corporation called Clay  8 Medical of North Florida.  9 Q Okay. And what is the address of that  10 company, sir?  11 A 705 Ferris Street, Green Cove Springs,  12 Florida 32043.  13 Q All right. Can you tell the court and jury  14 what type of medical doctor you are?  15 A I'm a family physician.  16 Q Okay. Can you give us kind of a summary of  17 your training, schooling, and experience in  18 that area?  19 A Yes. I went to medical school at the Medical  20 University of South Carolina in Charleston. I  21 did my residency at St. Vincent's Hospital in  22 Jacksonville, Florida. And, you know, I've  23 done a number of CMEs, including occupation  24 medical -- medicine CMEs.  25 Q Okay. How long have you been a medical</p>	<p style="text-align: right;">Page 8</p> <p>1 doctor?  2 A Since 1987.  3 Q Okay. Do you have any particular, or other  4 specializations or board specializations?  5 A I do not.  6 Q Okay. Doctor, do you have a curriculum vitae,  7 if we would like to take a look at it?  8 A I do.  9 Q Okay. When we're done with this deposition,  10 can you provide a copy of that to my office so  11 that we can attach it to the deposition?  12 A I do. My office manager will take care of  13 that.  14 Q Okay.  15 MR. MECHE:  16 We'll go ahead and mark that as the  17 Exhibit Number 1, the curriculum vitae of  18 Dr. Platt.  19 (Exhibit 1 marked for identification.)  20 MR. MECHE:  21 Q Dr. Platt, you understand that we're here to  22 take your deposition regarding the U.S. Coast  23 Guard physical that you performed on Captain  24 Mark Flora, on December 11th, 2017?  25 A Correct.</p>

<p style="text-align: right;">Page 9</p> <p>1 Q Okay. Do you have any particular memory of</p> <p>2 Captain Flora?</p> <p>3 A I truly don't. I've got the exam that I</p> <p>4 completed, and that's about all I know at this</p> <p>5 point.</p> <p>6 Q Okay. Dr. Platt, I'll represent to you that</p> <p>7 the document that my office has that's been</p> <p>8 circulated in this litigation is a five-page</p> <p>9 document. It's called the Application for</p> <p>10 Merchant Marine Medical Certificate.</p> <p>11 A Yes, that is this document right here.</p> <p>12 Q Okay. Other than that document, and we're</p> <p>13 going to take a look at it here in a minute,</p> <p>14 do you have any other medical records on --</p> <p>15 A I do not.</p> <p>16 Q -- Captain Mark Flora?</p> <p>17 You do not?</p> <p>18 A I do not.</p> <p>19 Q Okay. So is it -- is it accurate to say that</p> <p>20 the only time that you ever saw Captain Flora</p> <p>21 was on December 11th of 2017?</p> <p>22 A To the best of my knowledge. I don't think</p> <p>23 I've ever seen him as a true patient.</p> <p>24 Q Okay. And in addition to that medical record</p> <p>25 that you just held up, have you received any</p>	<p style="text-align: right;">Page 10</p> <p>1 medical records or other documents regarding</p> <p>2 Captain Flora from any source?</p> <p>3 A I have not.</p> <p>4 Q Okay. And Doctor, we used to do these</p> <p>5 depositions in-person, but because of the</p> <p>6 pandemic, we're working on Zoom. One of the</p> <p>7 shortcomings of the video process is there's</p> <p>8 some sort of a delay at times, so I'll just</p> <p>9 ask you to give a little bit of a pause before</p> <p>10 your start your answer so that you and I are</p> <p>11 not talking over each other. Okay?</p> <p>12 A Sure.</p> <p>13 Q Thank you.</p> <p>14 All right. And so, as I understand your</p> <p>15 testimony, you don't have any other medical</p> <p>16 records --</p> <p>17 A I do not.</p> <p>18 Q -- on Captain Flora. Okay.</p> <p>19 A I think I did this, this exam, I think he was</p> <p>20 working for Smith Maritime at the time, and I</p> <p>21 think they were responsible for getting this</p> <p>22 exam done.</p> <p>23 Q That is correct, sir. I'll represent to you</p> <p>24 that we got a copy of your medical record in</p> <p>25 the Smith Maritime documents that were</p>
<p style="text-align: right;">Page 11</p> <p>1 subpoenaed and produced in this litigation.</p> <p>2 You understand that?</p> <p>3 A Okay.</p> <p>4 Q Okay. So December 11th of 2017 is the only</p> <p>5 time that you have ever seen or evaluated</p> <p>6 Captain Flora?</p> <p>7 A To the best of my knowledge.</p> <p>8 Q All right. If anybody were to ask you about</p> <p>9 healthcare that Captain Flora received before</p> <p>10 that date or after that date, would it be fair</p> <p>11 to tell the jury that you have no personal</p> <p>12 knowledge of that?</p> <p>13 A That is correct.</p> <p>14 Q And you no have opinions on that?</p> <p>15 A That is correct.</p> <p>16 Q All right.</p> <p>17 A When I do these exams, you have to pretty much</p> <p>18 depend on what the person tells you as far as</p> <p>19 their medical history goes.</p> <p>20 Q And I understand that, Doctor. We're going to</p> <p>21 get into that --</p> <p>22 A Okay.</p> <p>23 Q -- because that's some of the questions that</p> <p>24 all of the lawyers here want to know about.</p> <p>25 A Sure.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Have you had an opportunity to review the</p> <p>2 record before today?</p> <p>3 A I did.</p> <p>4 Q All right.</p> <p>5 MR. MECHE:</p> <p>6 Doctor, I'm going to go ahead and</p> <p>7 pull up what we're going to call as</p> <p>8 Exhibit 2.</p> <p>9 (Exhibit 2 marked for identification.)</p> <p>10 MR. MECHE:</p> <p>11 Q All right. Dr. Platt, are you able to see on</p> <p>12 your screen --</p> <p>13 A Yes.</p> <p>14 Q Okay. All right. And just before we</p> <p>15 continue, I'm going to scroll through it and</p> <p>16 make sure that we have all the pages. These</p> <p>17 documents have been Bates-numbered in this</p> <p>18 case as number 208 all the way down to 212.</p> <p>19 212 --</p> <p>20 A Okay.</p> <p>21 Q -- is the last page that includes your</p> <p>22 signature and your stamp; is that correct?</p> <p>23 A That is correct.</p> <p>24 Q All right. This document, Exhibit Number 2,</p> <p>25 is this your -- is this a true and correct</p>

<p style="text-align: right;">Page 13</p> <p>1 copy of your medical record in this case on</p> <p>2 Captain Mark Flora?</p> <p>3 A Yes, it is.</p> <p>4 Q Okay. And this is a document that you would</p> <p>5 have kept in your medical practice at the time</p> <p>6 that you saw Captain Flora for the purpose of</p> <p>7 recordkeeping. True?</p> <p>8 A That is the only document I would have kept.</p> <p>9 Q Okay. All right. I want go through the</p> <p>10 specifics in this document, Dr. Platt. But</p> <p>11 before doing so, can you give us a general</p> <p>12 description of how a U.S. Coast Guard physical</p> <p>13 is conducted?</p> <p>14 A Yes. The -- the applicant, basically, you</p> <p>15 know, comes to the office. In this situation,</p> <p>16 he was working for Smith Maritime. So the</p> <p>17 secretary at Smith Maritime would call my</p> <p>18 office and say they have so and so that needs</p> <p>19 to be, you know, cleared for Coast Guard, or</p> <p>20 for a Coast Guard physical. And they'd --</p> <p>21 we'd make an appointment.</p> <p>22 They show up. We'd do their vital signs,</p> <p>23 and they'd put him in a room and give me this</p> <p>24 form. And I would go in there and question</p> <p>25 the person on the various things in the form;</p>	<p style="text-align: right;">Page 14</p> <p>1 are they taking medications, do they have</p> <p>2 medical problems? And then, I would conduct a</p> <p>3 physical general exam.</p> <p>4 Q All right. Now, in terms of this -- the type</p> <p>5 of physical that you might conduct on a</p> <p>6 civilian versus someone who is seeking a</p> <p>7 merchant marine certificate, those are</p> <p>8 different, correct?</p> <p>9 A There's a little more detail in the merchant</p> <p>10 marines, because we do, like -- you know, we</p> <p>11 do some coordination tests, and also do, you</p> <p>12 know, color -- color vision screening using,</p> <p>13 you know, various charts.</p> <p>14 Q Okay. But in -- but in terms of</p> <p>15 documentation, there's a specific Department</p> <p>16 of Homeland Security document that the</p> <p>17 physician must use when documenting this</p> <p>18 physical?</p> <p>19 A Oh, yeah, that's what this is. The form</p> <p>20 you're showing in front of me, that's this</p> <p>21 document.</p> <p>22 Q Okay. And that -- and that's what I'm driving</p> <p>23 at. It's called the CG-719B. Where do you</p> <p>24 get copies of those documents? Do you</p> <p>25 download them from the internet whenever you</p>
<p style="text-align: right;">Page 15</p> <p>1 have a Coast Guard physical?</p> <p>2 A We can do that, or typically, Smith Maritime</p> <p>3 sends it a -- sends a copy with the person.</p> <p>4 Q Okay. And how long have you been doing</p> <p>5 U.S. Coast Guard physicals, Dr. Platt?</p> <p>6 A Probably 20, 25 years.</p> <p>7 Q Okay. And you're still doing them now?</p> <p>8 A Absolutely.</p> <p>9 Q Okay. And along with the actual document that</p> <p>10 has to be filled out and sent to Smith</p> <p>11 Maritime, you have, in your office or access</p> <p>12 in your office, the instructions that the</p> <p>13 Department of Homeland Security uses in order</p> <p>14 to conduct these examinations?</p> <p>15 A Sure.</p> <p>16 Q All right. So let's take a look at Exhibit</p> <p>17 Number 2, section Roman Numeral I is something</p> <p>18 that's filled out by Captain Flora and</p> <p>19 reviewed by you, correct?</p> <p>20 A That is correct.</p> <p>21 Q Okay. This is just identifying information on</p> <p>22 Captain Flora --</p> <p>23 A Yes.</p> <p>24 Q -- a reference number and that sort of thing,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 16</p> <p>1 A Correct.</p> <p>2 Q Okay. And in section II, entitled -- strike</p> <p>3 that.</p> <p>4 Section IIA, entitled Medical Conditions,</p> <p>5 where my cursor is located, it says that this</p> <p>6 is to be completed by the applicant and then</p> <p>7 reviewed by the medical practitioner; is that</p> <p>8 correct?</p> <p>9 VIDEOGRAPHER:</p> <p>10 Excuse me, Dr. Platt. Your</p> <p>11 microphone has been muted.</p> <p>12 THE WITNESS:</p> <p>13 Okay. That was weird. I didn't</p> <p>14 touch anything, but I can hear y'all now.</p> <p>15 VIDEOGRAPHER:</p> <p>16 We can hear you. You're back.</p> <p>17 MR. MECHE:</p> <p>18 Q All right. Let me ask the question over,</p> <p>19 Dr. Platt. Section Roman Numeral IIA,</p> <p>20 entitled Medical Conditions, where my cursor</p> <p>21 is located, it says that's to be completed by</p> <p>22 the applicant, here Captain Flora, and then</p> <p>23 reviewed by you, the medical practitioner; is</p> <p>24 that correct?</p> <p>25 A That is correct.</p>

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1 Q All right. Is this the portion of the  
2 interview and evaluation where the patient  
3 discloses to you what medical conditions they  
4 have that are important --  
5 A Yes.  
6 Q -- to the Department of Homeland Security?  
7 A Absolutely. That's -- well, that's part of  
8 it. You know, they disclose their conditions,  
9 and then, later, they disclose what  
10 medications they might be treating, which kind  
11 of would lead me to what conditions they have  
12 as well.  
13 Q All right. Why is -- why is the information  
14 in section IIA important, Doctor?  
15 A Well, that's the only thing that can really  
16 guide me into my decision of, you know,  
17 whether they need additional testing, or  
18 whether we need a consultation with any  
19 specialist, or are they able to work or not.  
20 Q Would it be fair to say that all of the  
21 decisions you have to make with respect to  
22 whether or not to issue this certificate,  
23 those are all impacted by the information that  
24 Captain Flora discloses in section IIA?  
25 A Very strongly.

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1 Q All right. This document, Dr. Platt, is  
2 asking for a couple of pieces of information,  
3 right? They want to know whether Captain  
4 Flora has ever had, or gotten treatment for  
5 these conditions, or if he presently has those  
6 conditions when he saw you. True?  
7 A Absolutely. Yes.  
8 Q What is the only category that Captain Flora  
9 disclosed that he had --  
10 A 14.  
11 Q -- that he answered yes to?  
12 A The 14, allergies.  
13 Q Okay. And that's allergies or allergic  
14 reactions to any substance, medication, or  
15 food; is that correct?  
16 A That is correct.  
17 Q All right. I want to ask you some questions  
18 about some specific information that Captain  
19 Flora checked off. Take a look at item number  
20 29. What is item number 29?  
21 A Back pain, joint problems, orthopedic surgery.  
22 Q All right. And in terms of whether Captain  
23 Flora has ever had that, if he's ever required  
24 treatment for that, or if he had that at the  
25 time that he saw you, what did he disclose to

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1 Q Right.  
2 And I think you said earlier that, you  
3 know, you are -- you're, quite frankly, at the  
4 mercy of -- of a patient, such as Captain  
5 Flora, to either remember or truthfully  
6 disclose the information that's being sought  
7 in this section.  
8 A Right. Right. Indeed. That's -- there's no  
9 other way of getting a history.  
10 Q All right. What does section IIA tell the  
11 patient, the applicant to do? What do -- what  
12 do they have to disclose here?  
13 A They have to disclose any -- any of their --  
14 any of their medical information --  
15 Q Okay.  
16 A -- and they have to sign that they -- that  
17 this is accurate.  
18 Q All right. Let's take a look at this  
19 statement, the very first statement in that  
20 section, Dr. Platt. It says, to the best of  
21 your knowledge, have you ever had, required  
22 treatment for, or do you presently have any of  
23 the following conditions?  
24 Did I read that correctly?  
25 A Correct.

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1 you?  
2 A He said he did not have that.  
3 Q He denied having any of those things in the  
4 past --  
5 A Right.  
6 Q -- or present when he saw you?  
7 A Correct.  
8 MR. SHEPPARD:  
9 Object to form.  
10 MR. MECHE:  
11 Q Okay. Did you have any information to  
12 contradict what Captain Flora was telling you?  
13 A I did not.  
14 Q I mean, you're at the mercy of what he's  
15 telling you?  
16 MR. SHEPPARD:  
17 Object to form.  
18 MR. MECHE:  
19 Q Is that correct?  
20 A Yes, sir.  
21 Q Did Captain Flora disclose to you a low back  
22 injury that he had received as a result of an  
23 automobile accident many years earlier? Did  
24 he disclose that to you?  
25 A He did not.

<p style="text-align: right;">Page 21</p> <p>1 Q All right. Let's take a look at item 2 number 31. What does that one read, Doctor? 3 A Fractures, recurring dislocations, or 4 limitation of motion of any joint. 5 Q Okay. At the time that you saw him on 6 December 11th, 2017, did he disclose any past 7 or present problems with that category? 8 A He did not. 9 Q Let's take a look at item number 33. When 10 asked to disclose any diseases, surgeries, 11 cancers, illnesses, or disabilities that were 12 not otherwise listed on the form, what did he 13 disclose to you, Dr. Platt? 14 A He said there were none. 15 Q Okay. So Captain Flora didn't disclose to you 16 that he had had hernia surgery at some point 17 in his life? 18 A No. No, he did not. 19 Q Okay. And these are things that are important 20 to you, right? 21 A Yes. Typically, I would say that, you know, 22 any kind of surgeries are important because 23 that would cue me to look more closely in that 24 area. 25 Q It certainly -- it may or may not have</p>	<p style="text-align: right;">Page 22</p> <p>1 anything to do with ultimately whether you 2 clear Captain Flora, but the only way that you 3 know how to focus your questions and your 4 investigations is if you were provided with 5 accurate information, correct? 6 A Absolutely. 7 Q Now, at the time -- strike that. 8 We started off this deposition, 9 Dr. Platt -- you understand that Captain Flora 10 is in litigation right now. Do you know that? 11 A I would assume that since he has an attorney 12 and y'all have an attorney, but I don't know 13 anything more about it than that. 14 Q Okay. You don't know what his lawsuit injury 15 is all about? 16 A I do not. 17 Q Do you know what date Captain Flora alleged 18 that he was injured, that this lawsuit is 19 based on? 20 A I do not. 21 Q Okay. Well, Dr. Platt, I'll represent to you 22 that Captain Flora alleges a left shoulder and 23 other injuries arising out of an offshore 24 accident. And in particular, he alleges that 25 he has left shoulder and other problems.</p>
<p style="text-align: right;">Page 23</p> <p>1 You were not aware of that before today? 2 A I was not. 3 Q Okay. I'll also represent to you that, 4 according to his lawsuit, this incident that 5 caused the injury occurred on May 24th, 2017. 6 Were you aware of that? 7 A I was not. 8 Q Okay. That's about -- that's just a little 9 over six months before Captain Flora saw you; 10 is that correct? 11 A Sounds like it. 12 Q Okay. I'll also represent to you that, you 13 know, because we're here today, this lawsuit 14 is still going on. And so, when Captain Flora 15 saw you in December of 2017, he didn't say 16 anything to you about the incident that this 17 lawsuit is based on? 18 A No, sir. 19 MR. SHEPPARD: 20 Object to form. 21 MR. MECHE: 22 Q Did he make any complaints of shoulder pain? 23 A He did not. 24 Q Did he make any complaints of physical 25 limitations to his shoulder?</p>	<p style="text-align: right;">Page 24</p> <p>1 A He did not. 2 Q Did he make any complaints to you about any 3 injury to any other part of his body? 4 A He did not. 5 Q All right. Let's take a look at the next page 6 of Exhibit 2, which is the section IIB, 7 Medical Conditions. 8 Doctor, I need to pause you just for one 9 second. Just one second, sir. 10 All right, Dr. Platt. You testified that 11 the only thing that Captain Flora disclosed 12 was an allergy. And that's identified in 13 section IIB; is that correct? 14 A Right. And it's penicillin. 15 Q All right. 16 A Spelled wrong. 17 Q Now, in terms -- in terms of medication, that 18 would be documented in section Roman Numeral 19 III of Exhibit 2; is that correct? 20 A Section III? 21 Q Yes -- 22 A Yes. 23 Q -- I believe it's section Roman Numeral III. 24 A Correct. And he checked none, right. 25 Can you hear me?</p>



<p style="text-align: right;">Page 25</p> <p>1 Q Yes, sir.</p> <p>2 A Okay.</p> <p>3 Q Let me pull this up so that we can look at it</p> <p>4 together.</p> <p>5 A Yes, I got it here, too.</p> <p>6 Q Okay. So can you read what the first sentence</p> <p>7 of section Roman Numeral III says with regard</p> <p>8 to medication?</p> <p>9 A Yes. Applicants are required to complete a</p> <p>10 general medical exam -- are required to report</p> <p>11 all prescription medications prescribed,</p> <p>12 filled, or refilled, and/or taken within 30</p> <p>13 days prior to the date that the applicant</p> <p>14 signs this form.</p> <p>15 In addition, all prescription medications</p> <p>16 and all non-prescriptions, over-the-counter</p> <p>17 medications, including dietary supplements and</p> <p>18 vitamins, that were used for a period of 30</p> <p>19 days or more within the last 90 days prior to</p> <p>20 the date that the applicant signs the form, or</p> <p>21 approved equivalent form, must also be</p> <p>22 reported.</p> <p>23 The information reported by the applicant</p> <p>24 must be verified by the verifying medical</p> <p>25 practitioner, or other qualifying medical</p>	<p style="text-align: right;">Page 26</p> <p>1 practitioner, to the satisfaction of the</p> <p>2 verified medical practitioner to include the</p> <p>3 two following items: Report all medications,</p> <p>4 prescription or non-prescription, dietary</p> <p>5 supplements and vitamins, and to include doses</p> <p>6 of each -- doses of every substance reported</p> <p>7 on this form, as well as the condition for</p> <p>8 which the substance is taken.</p> <p>9 Q Okay. And so, with respect to prescription</p> <p>10 medication, did Captain Flora disclose to you</p> <p>11 that he had taken -- that he was taking any</p> <p>12 prescription medication?</p> <p>13 A He did not. And he signed that -- to indicate</p> <p>14 the signature that he agreed.</p> <p>15 Q Did he disclose to you that he was taking any</p> <p>16 over-the-counter medication?</p> <p>17 A He did not.</p> <p>18 MR. SHEPPARD:</p> <p>19 Object to form.</p> <p>20 A He checked none.</p> <p>21 MR. MECHE:</p> <p>22 Q Okay. Did Captain Flora disclose to you that</p> <p>23 he was in need of prescription medication that</p> <p>24 he had not yet obtained?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q All right. And so, as a result of the</p> <p>2 disclosures that Captain Flora represented to</p> <p>3 you, you checked off none in section III; is</p> <p>4 that correct?</p> <p>5 A That is correct.</p> <p>6 Q And both you and Captain Flora signed that?</p> <p>7 A He actually checked it off and I verified it.</p> <p>8 Q Okay. All right.</p> <p>9 MR. MECHE:</p> <p>10 Doctor, I want to -- I want to show</p> <p>11 you what we're going to mark as Exhibit</p> <p>12 Number 3.</p> <p>13 (Exhibit 3 marked for identification.)</p> <p>14 MR. MECHE:</p> <p>15 Q And I'll just ask for your patience while I</p> <p>16 try to pull this up.</p> <p>17 All right. Doctor, what we've marked as</p> <p>18 Exhibit Number 3, do you see on your screen, a</p> <p>19 copy?</p> <p>20 A I do.</p> <p>21 Q It's the Plaintiff's First Amended Complaint?</p> <p>22 A Correct.</p> <p>23 Q Okay.</p> <p>24 MR. MECHE:</p> <p>25 Bob, is there a way to take the</p>	<p style="text-align: right;">Page 28</p> <p>1 video -- well, let me see. This might do</p> <p>2 it. Okay.</p> <p>3 MR. MECHE:</p> <p>4 Q Can you still see the document, Doctor?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. All right. I'll represent to you this</p> <p>7 is -- this is actually an amended lawsuit that</p> <p>8 Captain Flora filed in October 25th of 2019.</p> <p>9 Do you see that at the top of Exhibit 3?</p> <p>10 A I do.</p> <p>11 Q Okay. And Doctor, I'm going to go to page 6</p> <p>12 of this document. I've got some questions</p> <p>13 regarding the representations made by Captain</p> <p>14 Flora.</p> <p>15 All right. You see here at the bottom of</p> <p>16 page 6, I'll read to you the last sentence.</p> <p>17 It says, Plaintiff has incurred and will</p> <p>18 continue to incur pharmaceutical and medical</p> <p>19 expenses in connection with his injuries.</p> <p>20 My question to you is: When you saw</p> <p>21 Captain Flora just a few months after his</p> <p>22 alleged incident, did he disclose to you any</p> <p>23 issue with respect to pharmaceuticals that he</p> <p>24 needed or that he would need in the future?</p> <p>25 A He did not.</p>

<p style="text-align: right;">Page 29</p> <p>1 MR. SHEPPARD:</p> <p>2 Object to form and also misleading.</p> <p>3 MR. MECHE:</p> <p>4 Q Did he disclose those, Doctor?</p> <p>5 A He did not.</p> <p>6 MR. SHEPPARD:</p> <p>7 Same objection.</p> <p>8 MR. MECHE:</p> <p>9 Q In fact, wouldn't it be fair to tell the jury</p> <p>10 that with respect to whatever injuries are</p> <p>11 described in this lawsuit, Captain Flora</p> <p>12 didn't tell you anything about it?</p> <p>13 MR. SHEPPARD:</p> <p>14 Object to form.</p> <p>15 A Yeah, he did -- he did not tell me anything</p> <p>16 about previous injuries.</p> <p>17 MR. MECHE:</p> <p>18 Q All right. I want you to take a look at</p> <p>19 paragraph 12 of the Plaintiff's amended</p> <p>20 lawsuit. It says here that the Plaintiff</p> <p>21 suffered serious and debilitating injuries to</p> <p>22 his head, neck, shoulder, back, knee, and</p> <p>23 other parts -- body parts when struck by a</p> <p>24 heavy headache ball.</p> <p>25 When you saw Captain Flora in December of</p>	<p style="text-align: right;">Page 30</p> <p>1 2017, did he describe to you any incident</p> <p>2 wherein he was hit by a headache ball and</p> <p>3 suffered serious and debilitating injuries to</p> <p>4 these body parts?</p> <p>5 MR. SHEPPARD:</p> <p>6 Object to form.</p> <p>7 A He did not.</p> <p>8 MR. MECHE:</p> <p>9 Q If, in fact, Captain Flora was suffering</p> <p>10 injuries to some or all of these particular</p> <p>11 body parts that he is representing to the</p> <p>12 jury, based on your examination of him in</p> <p>13 connection with this medical certificate,</p> <p>14 wouldn't he have been required to disclose</p> <p>15 that to you?</p> <p>16 A According to the Coast Guard rules, he should</p> <p>17 have.</p> <p>18 Q Let's take a look, Doctor, going back to</p> <p>19 Exhibit Number 2. You talked earlier about</p> <p>20 the fact that you had to do certain vision and</p> <p>21 maybe hearing type examinations in conjunction</p> <p>22 with the medical certificate as well; is that</p> <p>23 correct?</p> <p>24 A That's correct.</p> <p>25 Q And those are reflected on section IV and V</p>
<p style="text-align: right;">Page 31</p> <p>1 that we have up on the screen right now.</p> <p>2 True?</p> <p>3 A That is -- that is correct.</p> <p>4 Q And Captain Flora was cleared for duty based</p> <p>5 on those as well?</p> <p>6 A As you can see, he's got exceptional</p> <p>7 vision, 20/13, which is better than average.</p> <p>8 And no -- no -- no errors on the Ishihara</p> <p>9 color plates.</p> <p>10 Q Okay. Now, let's take a look at page 4 of</p> <p>11 Exhibit Number 2, section Roman Numeral VI.</p> <p>12 All right. This is the physical</p> <p>13 examination part of your exam; is that</p> <p>14 correct?</p> <p>15 A That is correct.</p> <p>16 Q Okay. Doctor, can you describe for the jury</p> <p>17 how you go about examining upper and lower</p> <p>18 extremities and the spine and musculoskeletal</p> <p>19 sections of this exam?</p> <p>20 A I typically watch how they walk into the exam</p> <p>21 room, how they sit, what their appearance is</p> <p>22 sitting. I tend to -- tend to get them to do</p> <p>23 the Romberg test, which involves outstretching</p> <p>24 their arms, tilt, leaning backwards, and then</p> <p>25 touching their index finger to their nose with</p>	<p style="text-align: right;">Page 32</p> <p>1 their eyes closed on each side independently.</p> <p>2 I typically have them lean over and touch</p> <p>3 their toes, allowing them to bend their knees</p> <p>4 if they need to. And that's pretty much --</p> <p>5 and I do check reflexes.</p> <p>6 Q Now, in terms of your physical exam, sections</p> <p>7 VIII and IX -- well, actually all of them are</p> <p>8 normal, correct?</p> <p>9 A That is correct.</p> <p>10 Q You didn't find a single abnormality with</p> <p>11 Captain Flora on this exam. True?</p> <p>12 A No gross abnormality, that is correct.</p> <p>13 Q Okay. And if he would have disclosed to you a</p> <p>14 left shoulder injury, left shoulder pain, or</p> <p>15 left shoulder limitations, those would be</p> <p>16 described in this section, correct?</p> <p>17 A Well --</p> <p>18 MR. SHEPPARD:</p> <p>19 Object to form.</p> <p>20 A -- if I had noted -- if I had noted</p> <p>21 anything -- had he disclosed that at the</p> <p>22 beginning in his history, I probably would</p> <p>23 have done a much more detailed exam of the</p> <p>24 shoulder, for example. You know, I could have</p> <p>25 gone through a whole shoulder exam --</p>



<p style="text-align: right;">Page 33</p> <p>1 MR. MECHE:  2 Q Okay.  3 A -- as opposed to just the general exam.  4 Q Unless the patient tells you about an issue  5 with the left shoulder --  6 A Right.  7 Q -- you only -- you only have to go so far with  8 the exam, correct?  9 A Exactly.  10 Q Let's take a look at the last page of  11 Exhibit 2, Doctor. This is Roman Numeral VII,  12 and it's a demonstration of physical ability.  13 Can you describe for the court and jury what  14 happens in this part of the exam?  15 A Again, that's where I -- where I -- you know,  16 I'm taking note of how they -- what their gait  17 is, do I see any gross abnormalities, their  18 arms, missing limbs, fingers, toes, that type  19 of thing. And, you know, I don't require them  20 to lift anything, but, you know, I typically  21 ask them, could you do -- can you do these  22 type of things.  23 Q Okay. And what was your -- what was your  24 findings as a result of this portion of the  25 exam?</p>	<p style="text-align: right;">Page 34</p> <p>1 A He appeared grossly normal.  2 Q Okay. It says here, where my cursor is, that  3 the applicant has the physical strength,  4 agility, and flexibility to perform all of the  5 items listed in the instruction table that  6 comes with this form; is that correct?  7 A That is correct.  8 Q All right. And ultimately, based on your  9 physical examination and the representations  10 that were made to you by Captain Flora, you  11 found that he was healthy and fit for duty?  12 A That is correct.  13 Q All right. Now, ultimately, both you and  14 Captain Flora have to sign certain  15 declarations for the Department of Homeland  16 Security when this document is executed; is  17 that correct?  18 A That is correct.  19 Q All right. Let's go down and focus on section  20 number X. This is where Captain Flora has to  21 make those declarations; is that correct?  22 A That's correct.  23 Q Can you read for the jury what Captain Flora  24 signed?  25 A My signature below attests, subject to</p>
<p style="text-align: right;">Page 35</p> <p>1 prosecution under 18 USC 1001, that all  2 information provided by me on this form is  3 complete and true to the best of my knowledge,  4 and I agree that it is to be considered part  5 of the basis for issuance of any measurable  6 certificate to me. I have not knowingly  7 omitted any material information relevant to  8 this form. I have also read and understand  9 the Privacy Act statement that accompanies  10 this form.  11 Q Okay. And what date did he sign that, Doctor?  12 A On 12/11/17.  13 Q Based on this examination, you clear Captain  14 Flora for the medical certificate that is a  15 requirement for his job at Smith Maritime; is  16 that correct?  17 A Yes.  18 Q And, Doctor, if Captain Flora had told you  19 about any active and ongoing problems that he  20 was having that could have affected his  21 ability to do his job consistent with the  22 medical certificate, you would have identified  23 that on those forms?  24 A I would have.  25 MR. SHEPPARD:</p>	<p style="text-align: right;">Page 36</p> <p>1 Object to form.  2 MR. MECHE:  3 Q Is that correct, Doctor?  4 A Yes, that is correct.  5 Q And that -- that could have determined one way  6 or another whether the medical certificate was  7 actually issued, correct?  8 A That would -- that --  9 MR. SHEPPARD:  10 Object to form.  11 A -- would impact it.  12 MR. MECHE:  13 Q Now, we've -- we've talked a lot about what  14 Captain Flora did or didn't disclose to you.  15 But my next question is a little different.  16 In terms of your own physical examination  17 of Captain Flora, did you find any physical  18 limitations or impairments of any kind?  19 A I did not.  20 Q All right.  21 MR. MECHE:  22 Doctor, I may have a few more  23 questions for you after the other lawyers  24 ask theirs. But as for as now, I'll just  25 go ahead and pass the witness. Thank you</p>

<p style="text-align: right;">Page 37</p> <p>1 for your time, sir.</p> <p>2 MR. SHEPPARD:</p> <p>3 Do you have anything right now?</p> <p>4 MS. SANDOVAL:</p> <p>5 No, we'll reserve our questions.</p> <p>6 MR. SHEPPARD:</p> <p>7 Okay. I'll jump in.</p> <p>8 EXAMINATION</p> <p>9 BY MR. SHEPPARD:</p> <p>10 Q Dr. Platt, I would like to go back to this</p> <p>11 little form that we've been talking about for</p> <p>12 a little while here.</p> <p>13 I'm sorry, I'm scrolling through the</p> <p>14 pages now. Okay.</p> <p>15 All right. I know you have this in front</p> <p>16 of you, sir -- actually, if you want to look</p> <p>17 at the one in front of you, that's fine. I'm</p> <p>18 on section IIA.</p> <p>19 Mr. Meche had talked about a few of these</p> <p>20 numbers here, specifically 29. I kind of want</p> <p>21 to start there. It says, back pain, joint</p> <p>22 problems, and orthopedic surgery, right?</p> <p>23 A Correct.</p> <p>24 Q Does it say -- it doesn't say shoulder in</p> <p>25 there, does it?</p>	<p style="text-align: right;">Page 38</p> <p>1 A It does not say shoulder. It says joint, in</p> <p>2 general.</p> <p>3 Q Right.</p> <p>4 Could a person not consider their</p> <p>5 shoulder a joint if they're just not as well</p> <p>6 versed in the medical vernacular? Is that --</p> <p>7 A I mean, I guess that they could -- they could</p> <p>8 potentially consider that not a joint. But I</p> <p>9 mean, I don't know what they consider joints</p> <p>10 then.</p> <p>11 Q Right.</p> <p>12 I sometimes think of joints as like</p> <p>13 fingers and toes. Does that make sense?</p> <p>14 Maybe an elbow.</p> <p>15 A I don't know. You know, I'm a physician, so I</p> <p>16 think of a joint as a joint, you know.</p> <p>17 Q Right.</p> <p>18 Do you think lay -- lay people aren't</p> <p>19 going to necessarily think of things the same</p> <p>20 way as you are, as a Doctor, right?</p> <p>21 A They -- they may not.</p> <p>22 Q Okay.</p> <p>23 A But, I mean, people -- people are used to</p> <p>24 talking about, you know, knee surgery, hip</p> <p>25 surgery, and shoulder surgery, those are</p>
<p style="text-align: right;">Page 39</p> <p>1 probably the most common surgeries.</p> <p>2 Q Right.</p> <p>3 A And they're all joint surgeries, of course.</p> <p>4 Q And looking at back pain, joint problems, and</p> <p>5 orthopedic surgery, that's -- that's pretty</p> <p>6 general and vague, right?</p> <p>7 A It's very general.</p> <p>8 MR. MECHE:</p> <p>9 Object to the form.</p> <p>10 MR. SHEPPARD:</p> <p>11 Q Okay. The form could be more specific if they</p> <p>12 wanted to, they could say things like neck</p> <p>13 pain, shoulder pain, you know, cervical pain,</p> <p>14 things like that, right?</p> <p>15 MS. SANDOVAL:</p> <p>16 Form.</p> <p>17 A I mean, they could clearly do that, you know,</p> <p>18 you can -- you can -- yeah -- yes.</p> <p>19 MR. SHEPPARD:</p> <p>20 Q I'm just saying that the categories could be</p> <p>21 worded a little better; is that fair?</p> <p>22 A Yes, they could make the form a lot longer.</p> <p>23 Q True.</p> <p>24 You completed section VI of this form,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 40</p> <p>1 A I did.</p> <p>2 Q Okay. And section VI has you looking at</p> <p>3 certain things. I want to look at number 10,</p> <p>4 skin, normal. What do you do to determine --</p> <p>5 to test that particular category?</p> <p>6 A That's strictly observation there.</p> <p>7 Q Okay. Do you ask a person to remove their</p> <p>8 shirt, or pants, or anything like that to</p> <p>9 see if there's anything wrong?</p> <p>10 A We don't -- I don't make them take the pants</p> <p>11 off, no.</p> <p>12 Q Okay. Because I'll represent to you that</p> <p>13 Mr. Flora has a -- got a scar on his shoulder</p> <p>14 from when this incident occurred. If he had</p> <p>15 taken his shirt off, you would have noticed</p> <p>16 that as well, right?</p> <p>17 A I probably would have --</p> <p>18 MR. MECHE:</p> <p>19 Objection. Form. Mischaracterizes</p> <p>20 the evidence.</p> <p>21 MS. SANDOVAL:</p> <p>22 Same objection.</p> <p>23 MR. SHEPPARD:</p> <p>24 Q If Mr. Flora had removed his shirt and you'd</p> <p>25 seen a scar on his shoulder, would you have</p>

<p style="text-align: right;">Page 41</p> <p>1 taken note of that?</p> <p>2 A I would have probably documented that.</p> <p>3 Q Okay. Would you have asked, where did that</p> <p>4 come from?</p> <p>5 A I would have.</p> <p>6 Q Okay. Do you consider yourself Mr. Flora's</p> <p>7 treating physician?</p> <p>8 A No.</p> <p>9 Q Okay. Prior to today, were you aware that</p> <p>10 Mr. Flora was struck by a headache ball on his</p> <p>11 shoulder around May of 2017?</p> <p>12 A I was not.</p> <p>13 Q Okay. Were you aware that Mr. Flora was</p> <p>14 diagnosed with a micro trabecular fracture?</p> <p>15 A I was not.</p> <p>16 Q Okay. Well, do you know what a micro</p> <p>17 trabecular fracture is?</p> <p>18 A I'm not all that familiar. It sounds like,</p> <p>19 you know, a small fracture of a portion of</p> <p>20 the -- where the tendons attach to the</p> <p>21 shoulder.</p> <p>22 Q Okay. Were you aware that Mr. Flora had a</p> <p>23 scar over the superior aspect of his left</p> <p>24 shoulder where the headache ball impacted his</p> <p>25 shoulder?</p>	<p style="text-align: right;">Page 42</p> <p>1 A I was not.</p> <p>2 Q As part of your examination, did you perform</p> <p>3 any tests to see if Mr. Flora had a micro</p> <p>4 trabecular fracture near his AC joint?</p> <p>5 A No.</p> <p>6 Q Okay. Did you order an MRI?</p> <p>7 A No.</p> <p>8 Q Did you know that Mr. Flora received a</p> <p>9 cortisone injection in his shoulder area on</p> <p>10 June 27, 2018?</p> <p>11 A No, I was not aware of that.</p> <p>12 Q Okay. On this, where you've kind of checked</p> <p>13 the boxes of -- sort of the tests that you had</p> <p>14 done, we talked about upper, lower</p> <p>15 extremities, and spine, musculoskeletal. The</p> <p>16 kind of two tests that I remember you saying</p> <p>17 was you had the person bend over and try to</p> <p>18 touch their toes, and then to put their arms</p> <p>19 out, and then also --</p> <p>20 A Right --</p> <p>21 Q -- and put their hands to their nose.</p> <p>22 A -- while leaning backwards, yes.</p> <p>23 Q Okay. Did you perform an O'Brien's test?</p> <p>24 A I did not.</p> <p>25 MR. MECHE:</p>
<p style="text-align: right;">Page 43</p> <p>1 Objection, form.</p> <p>2 MR. SHEPPARD:</p> <p>3 Q Did you perform a Hawkins test?</p> <p>4 A No, I did not.</p> <p>5 MR. MECHE:</p> <p>6 Objection.</p> <p>7 MS. SANDOVAL:</p> <p>8 Form.</p> <p>9 MR. SHEPPARD:</p> <p>10 Okay. What's the basis of the</p> <p>11 objection?</p> <p>12 MR. MECHE:</p> <p>13 Lack of foundation.</p> <p>14 MR. SHEPPARD:</p> <p>15 Q Okay. Do you know what a Hawkins -- do you</p> <p>16 know what a Hawkins test is?</p> <p>17 MR. MECHE:</p> <p>18 Personal foundation.</p> <p>19 A I believe that -- we also call it an empty can</p> <p>20 test where you put your fingers down, tilt</p> <p>21 your -- tilt your thumbs down, and put</p> <p>22 pressure on your shoulder, I believe.</p> <p>23 MR. SHEPPARD:</p> <p>24 Q Okay. And do you know what the purpose of</p> <p>25 performing that test is?</p>	<p style="text-align: right;">Page 44</p> <p>1 A It's a rotator cuff test.</p> <p>2 Q Okay. And that was the O'Brien's test, right?</p> <p>3 A Yes. I'm not sure which is which, I call it</p> <p>4 the empty can test.</p> <p>5 Q Okay. Then there's the Hawkins test, right?</p> <p>6 A But I'm not an orthopedic surgeon, so I don't</p> <p>7 really get into that.</p> <p>8 Q Okay. That's fair.</p> <p>9 You didn't perform either of those tests,</p> <p>10 right?</p> <p>11 A I did not, no.</p> <p>12 Q Okay. I know you haven't seen them, but do</p> <p>13 you have any criticisms of the opinions that</p> <p>14 Mr. Flora's treating physicians have offered</p> <p>15 in this case?</p> <p>16 MR. MECHE:</p> <p>17 Objection. Form. Lack of personal</p> <p>18 knowledge.</p> <p>19 MS. SANDOVAL:</p> <p>20 Form.</p> <p>21 MR. SHEPPARD:</p> <p>22 Q Okay. Do you know Dr. Harvey?</p> <p>23 A I do not.</p> <p>24 Q Do you know Dr. Andrew Lee?</p> <p>25 A I do not.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q Do you know Dr. Michael Roberts?</p> <p>2 A I do not.</p> <p>3 Q Okay. So would it be fair to say that you</p> <p>4 don't have any basis to criticize the opinions</p> <p>5 that they've made in this case?</p> <p>6 A Yes, I have no basis to criticize or support.</p> <p>7 Q Okay. You're not making an opinion as to the</p> <p>8 causation of the injuries Mr. Flora alleges he</p> <p>9 sustained when a headache ball hit his</p> <p>10 shoulder, are you?</p> <p>11 A Absolutely not.</p> <p>12 Q Okay. When you -- when we were going towards</p> <p>13 this last page of the -- of this form, it</p> <p>14 talks about demonstration of physical ability.</p> <p>15 Did you -- you didn't actually require</p> <p>16 Mr. Flora to perform any physical tasks, aside</p> <p>17 from those --</p> <p>18 A Right. No.</p> <p>19 Q -- those exams we talked about earlier, right?</p> <p>20 A I didn't require him to lift any weights or</p> <p>21 anything like that.</p> <p>22 Q Okay. If Mr. Flora's treating physicians have</p> <p>23 opined that Mr. Flora suffered an injury to</p> <p>24 his shoulder as a result of the incident</p> <p>25 involving the headache ball, do you have any</p>	<p style="text-align: right;">Page 46</p> <p>1 reason to dispute that?</p> <p>2 A I have no reason.</p> <p>3 Q Okay. I'll represent to you that Mr. Flora's</p> <p>4 treating physician, Gregory Harvey, testified</p> <p>5 that he found an impingement sign when</p> <p>6 examining Mr. Flora's shoulder.</p> <p>7 If Mr. Flora's treating physicians</p> <p>8 testified that they performed tests that</p> <p>9 indicate Mr. Flora had tenderness in his</p> <p>10 shoulder and impingement signs, do you have</p> <p>11 any reason to dispute that?</p> <p>12 A I do not.</p> <p>13 MR. MECHE:</p> <p>14 Object to form. Lack of personal</p> <p>15 knowledge. Lack of foundation.</p> <p>16 MR. SHEPPARD:</p> <p>17 Q You can -- could you answer the question</p> <p>18 again, sir?</p> <p>19 A No, I don't have any reason to because I</p> <p>20 really don't know, you know, what they've</p> <p>21 done.</p> <p>22 Q Okay. If Mr. Flora testifies that he's been</p> <p>23 pain since the incident, do you have any</p> <p>24 reason to dispute that?</p> <p>25 A Well, he didn't tell me he was having pain.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q Right.</p> <p>2 A He denied anything that -- that anything was</p> <p>3 wrong.</p> <p>4 Q Okay. If he's saying -- if he's saying he's</p> <p>5 in pain now, do you have any reason to dispute</p> <p>6 that?</p> <p>7 A No.</p> <p>8 Q Okay. Would you agree that sometimes people</p> <p>9 that are desperate to get back to work kind of</p> <p>10 minimize their issues?</p> <p>11 MS. SANDOVAL:</p> <p>12 Form.</p> <p>13 MR. MECHE:</p> <p>14 Form.</p> <p>15 A Do you want me to answer that still?</p> <p>16 MR. SHEPPARD:</p> <p>17 Q Yes, sir.</p> <p>18 A I mean, I think, you know, the people give me</p> <p>19 fraudulent advice, advice that is not true, I</p> <p>20 think I get that -- told that frequently, in</p> <p>21 workmen's comp -- compensation situations I</p> <p>22 do. Return-to-work situations, if somebody</p> <p>23 wants to return to work, sometimes they'll</p> <p>24 minimize their findings as well.</p> <p>25 Q Okay. So --</p>	<p style="text-align: right;">Page 48</p> <p>1 A You see it in both directions.</p> <p>2 Q Right.</p> <p>3 If a person -- if a person is hurt and</p> <p>4 they want to get back to work, in your</p> <p>5 experience in what you've done, do sometimes</p> <p>6 they minimize their issues so that they can</p> <p>7 get back to work?</p> <p>8 A Yes.</p> <p>9 MR. SHEPPARD:</p> <p>10 All right. I can pass the witness.</p> <p>11 MR. MECHE:</p> <p>12 I have a few more, if nobody else</p> <p>13 does.</p> <p>14 Do you -- do you have any questions?</p> <p>15 MS. SANDOVAL:</p> <p>16 No, go ahead.</p> <p>17 RE-EXAMINATION</p> <p>18 BY MR. MECHE:</p> <p>19 Q Okay. Just a few follow-up questions,</p> <p>20 Dr. Platt.</p> <p>21 You were asked a bunch of questions about</p> <p>22 orthopedic tests and whether you had done</p> <p>23 those tests or accomplished those tests. Do</p> <p>24 you remember that question -- those lines of</p> <p>25 questioning?</p>

<p style="text-align: right;">Page 49</p> <p>1 A I do.</p> <p>2 Q Did anybody ask you to perform orthopedic</p> <p>3 tests on Captain Flora?</p> <p>4 A No. Again, I stated at the beginning that if</p> <p>5 somebody says they have an issue with their</p> <p>6 shoulder or an issue -- I would do more -- a</p> <p>7 little more thorough exam of that area.</p> <p>8 Q So if Captain Flora didn't tell you about any</p> <p>9 pain, limitation problem, or injury to his</p> <p>10 shoulder, why would you order those tests?</p> <p>11 A Again, I wouldn't order the tests, and I</p> <p>12 wouldn't perform those tests necessarily,</p> <p>13 unless there was a reason.</p> <p>14 Q And he didn't give you a reason, did he?</p> <p>15 A No.</p> <p>16 MR. SHEPPARD:</p> <p>17 Object to form.</p> <p>18 MR. MECHE:</p> <p>19 Q If Captain Flora had an injury so severe as</p> <p>20 what has been described in his lawsuit or that</p> <p>21 provided some sort of scar that's been</p> <p>22 described for you today, do you think he could</p> <p>23 have disclosed that to you when you saw him?</p> <p>24 MR. SHEPPARD:</p> <p>25 Object to form.</p>	<p style="text-align: right;">Page 50</p> <p>1 A I mean, the form asks you to do that.</p> <p>2 MR. MECHE:</p> <p>3 Q Okay. Did he tell you he had a scar?</p> <p>4 A He did not.</p> <p>5 Q Okay. Did he tell you he had any problems</p> <p>6 lifting anything?</p> <p>7 A He did not.</p> <p>8 MR. SHEPPARD:</p> <p>9 Object to form.</p> <p>10 MR. MECHE:</p> <p>11 Q You were asked some questions about whether</p> <p>12 Captain Flora might have minimized his</p> <p>13 condition so that he could go to work. Do you</p> <p>14 remember those questions?</p> <p>15 A I do.</p> <p>16 Q If he is able to misrepresent his condition to</p> <p>17 you, could he do that to the jury?</p> <p>18 MR. SHEPPARD:</p> <p>19 Object to form.</p> <p>20 A I think -- like I said previously -- and I</p> <p>21 don't know Captain Flora, so I can't comment</p> <p>22 on Captain Flora himself. I can say, in</p> <p>23 general, people can either overexaggerate or</p> <p>24 underexaggerate depending on what -- what</p> <p>25 they're looking to do.</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. MECHE:</p> <p>2 Q All right. And you haven't seen any of the</p> <p>3 medical opinions from any other doctor in this</p> <p>4 case?</p> <p>5 A I have not.</p> <p>6 MR. SHEPPARD:</p> <p>7 Object.</p> <p>8 MR. MECHE:</p> <p>9 Q And you haven't seen the testimony of any of</p> <p>10 those doctors either?</p> <p>11 A I have not.</p> <p>12 Q All right.</p> <p>13 MR. MECHE:</p> <p>14 Those are all the questions that I</p> <p>15 have for you, Dr. Platt. Thank you very</p> <p>16 much, sir.</p> <p>17 VIDEOGRAPHER:</p> <p>18 Are we done?</p> <p>19 MS. SANDOVAL:</p> <p>20 Actually, Dr. Platt, I have two</p> <p>21 questions for you.</p> <p>22 EXAMINATION</p> <p>23 BY MS. SANDOVAL:</p> <p>24 Q Dr. Platt, my name is Liz Sandoval. I</p> <p>25 represent one of the other defendants in this</p>	<p style="text-align: right;">Page 52</p> <p>1 lawsuit, and I just have a few quick questions</p> <p>2 for you, if you don't mind.</p> <p>3 Earlier you testified as to a type of</p> <p>4 test that you do where you have the patient</p> <p>5 kind of lean back and touch their nose.</p> <p>6 A Romberg.</p> <p>7 Q I'm sorry?</p> <p>8 A Romberg test is what we typically call it.</p> <p>9 Q That was the -- that was my next question. I</p> <p>10 missed it the first time. Okay.</p> <p>11 All right. And so when -- when a patient</p> <p>12 comes in and does that, so they -- you kind of</p> <p>13 showed us; they lean back, and do they stretch</p> <p>14 their arms out all the way to the side?</p> <p>15 A Yes.</p> <p>16 Q And they bring them back and touch their nose,</p> <p>17 correct?</p> <p>18 A Correct.</p> <p>19 Q Okay. Based on your recollection, or on any</p> <p>20 of the notes on your document here, did</p> <p>21 Captain Flora appear to have any sort of</p> <p>22 problems with his shoulder or -- one second,</p> <p>23 let me finish so we have a clear record.</p> <p>24 Any problems with that -- that test when</p> <p>25 it came to stretching his arms out, and then</p>

<p style="text-align: right;">Page 53</p> <p>1 bringing his fingers back to his nose?</p> <p>2 A He did not appear to have any problems.</p> <p>3 Q Okay.</p> <p>4 MS. SANDOVAL:</p> <p>5 Okay. Thank you, Doctor. That's</p> <p>6 all I have. I pass the witness.</p> <p>7 RE-EXAMINATION</p> <p>8 BY MR. SHEPPARD?</p> <p>9 Q Question on the Romberg test, Doctor. Would</p> <p>10 that show impingement in the shoulder?</p> <p>11 A I don't -- it's not designed specifically</p> <p>12 because you're not rotating the shoulder</p> <p>13 inwards.</p> <p>14 Q Okay. What's the purpose of the Romberg test?</p> <p>15 A It's, Again, to look at -- look at the rotator</p> <p>16 cuff there, where it's getting caught.</p> <p>17 Q Okay.</p> <p>18 MR. MECHE:</p> <p>19 Doctor, before -- before we go</p> <p>20 off -- I'm sorry, Daniel, are you done?</p> <p>21 MR. SHEPPARD:</p> <p>22 I might have another one or two.</p> <p>23 I'm just -- I'm just looking at my notes</p> <p>24 really quickly.</p> <p>25 I think I'm got.</p>	<p style="text-align: right;">Page 54</p> <p>1 MR. MECHE:</p> <p>2 Okay. Dr. Platt, you've probably</p> <p>3 done this hundreds of times, but you have</p> <p>4 the right to read and sign your</p> <p>5 deposition testimony, or you can waive</p> <p>6 that right. What would you like to do,</p> <p>7 sir?</p> <p>8 THE WITNESS:</p> <p>9 I'll be glad to waive that.</p> <p>10 MR. MECHE:</p> <p>11 Okay. I'm going to contact your</p> <p>12 office manager to get a copy of your CV.</p> <p>13 Who do I call?</p> <p>14 THE WITNESS:</p> <p>15 Jeremy Love.</p> <p>16 MR. MECHE:</p> <p>17 And what's the number?</p> <p>18 THE WITNESS:</p> <p>19 (904) 284-4510.</p> <p>20 MR. MECHE:</p> <p>21 That's all, Doctor. Thank you very</p> <p>22 much, sir.</p> <p>23 THE WITNESS:</p> <p>24 Thank you all very much.</p> <p>25 VIDEOGRAPHER:</p>
<p style="text-align: right;">Page 55</p> <p>1 That marks the end of the deposition</p> <p>2 in video file 1. Off the record at</p> <p>3 approximately 2:15 p.m.</p> <p>4 (DEPOSITION CONCLUDED AT 2:15 P.M.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 56</p> <p>1 REPORTER'S PAGE</p> <p>2</p> <p>3 I, Debbie G. Chaney, Certified Court Reporter</p> <p>4 in and for the State of Louisiana, (CCR #90023), as</p> <p>5 defined in Rule 28 of the Federal Rules of Civil</p> <p>6 Procedure and/or Article 1434 (B) of the Louisiana</p> <p>7 Code of Civil Procedure, do hereby state on the</p> <p>8 Record:</p> <p>9 That due to the interaction in the spontaneous</p> <p>10 discourse of this proceeding, dashes (--) have been</p> <p>11 used to indicate pauses, changes in thought, and/or</p> <p>12 talkovers; that same is the proper method for a</p> <p>13 Court Reporter's transcription of proceeding, and</p> <p>14 that the dashes (--) do not indicate that words or</p> <p>15 phrases have been left out of this transcript;</p> <p>16 That any spelling of words and/or names which</p> <p>17 could not be verified through reference material</p> <p>18 have been denoted with the phrase "(phonetic)";</p> <p>19 That "[sic]" denotes when a witness stated a</p> <p>20 word or phrase that appears odd or erroneous to</p> <p>21 show that it was quoted exactly as it stands.</p> <p>22</p> <p>23 DEBBIE G. CHANEY, CCR</p> <p>24</p> <p>25</p>



1 CERTIFICATE  
2

3 This certification is valid only for a  
4 transcript accompanied by my original signature and  
5 original required seal on this page.

6 I, Debbie G. Chaney, Certified Court Reporter,  
7 in and for the State of Louisiana, as the officer  
8 before whom this testimony was taken, do hereby  
9 certify that GEORGE E. PLATT, M.D., after having  
10 been duly sworn by me upon authority of R.S.  
11 37:2554, did testify as hereinbefore set forth in  
12 the foregoing fifty-five (55) pages; that this  
13 testimony was reported by me in the stenotype  
14 reporting method, was prepared and transcribed by  
15 me or under my personal direction and supervision,  
16 and is a true and correct transcript to the best of  
17 my ability and understanding; that the transcript  
18 has been prepared in compliance with transcript  
19 format guidelines required by statute or by rules  
20 of the board;

21 That I am informed about the complete  
22 arrangement, financial or otherwise, with the  
23 person or entity making arrangements for deposition  
24 services; that I have acted in compliance with the  
25 prohibition on contractual relationships, as  
26 defined by Louisiana Code of Civil Procedure  
27 Article 1434 and in rules and advisory opinions of  
28 the board; that I have no actual knowledge of any  
29 prohibited employment or contractual relationship,  
30 direct or indirect, between a court reporting firm  
31 and any party litigant in this matter, nor is there  
32 any such relationship between myself and a party  
33 litigant in this matter.

34 That I am not related to counsel or to the  
35 parties herein, nor am I otherwise interested in  
36 the outcome of this matter.

37 This the 30th day of September, 2021 at  
38 LAFAYETTE, LOUISIANA.

39   
40 DEBBIE GIDDINGS CHANEY, CCR  
41 LOUISIANA CERTIFICATION NO. 90023

